

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NEWPORT NEWS DIVISION**

ROYCE SOLOMON, JODI BELLECI,  
MICHAEL LITTLEJOHN, and  
GUILIANNA LOMAGLIO, *individually*  
*and on behalf of all others similarly*  
*situated,*

**Plaintiffs,**

**v.**

AMERICAN WEB LOAN, INC., AWL  
INC., MARK CURRY, MACFARLANE  
GROUP, INC., THE MACFARLANE  
GROUP, LC, SOL PARTNERS, MEDLEY  
OPPORTUNITY FUND II, LP, MEDLEY  
LLC, MEDLEY CAPITAL CORP.,  
OAKMONT FUNDING, INC., DINERO  
INVESTMENTS, INC., CHIEFTAIN  
FUNDING, INC., DANT HOLDINGS,  
INC., DHI COMPUTING SERVICE,  
INC., SMITH HAYNES & WATSON,  
LLC, MIDDLEMARCH PARTNERS, and  
JOHN DOES 1-100,

**Defendants**

**Case No. 4:17-cv-145-RAJ-RJK**

**MIDDLEMARCH'S RULE 12(b)(6) MOTION TO DISMISS  
SECOND AMENDED CLASS ACTION COMPLAINT**

Defendants Middlemarch Partners, LLC and Middlemarch Securities, LLC (collectively, "Middlemarch"), by counsel, pursuant to Federal Rule of Civil Procedure 12(b)(6), respectfully move to dismiss the claims asserted against them in Plaintiffs' Second Amended Class Action Complaint dated March 9, 2019 ("SAC") (Doc. No. 355) for violation of the federal Racketeering Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. § 1962(d) (Count

Two) and unjust enrichment (Count Nine). The basis for this motion is set forth in the Memorandum in Support being filed contemporaneously herewith.

Dated: April 8, 2019

Respectfully submitted,

MIDDLEMARCH PARTNERS, LLC and  
MIDDLEMARCH SECURITIES, LLC

By: /s/ Michael J. Lockerby  
Counsel

Michael J. Lockerby (VSB No. 24003)  
Lauren A. Champaign (VSB No. 81962)  
FOLEY & LARDNER LLP  
Washington Harbour  
3000 K Street, N.W., Suite 600  
Washington, D.C. 20007-5143  
Tel: (202) 672-5300  
Fax: (202) 672-5399  
E-mail: [mlockerby@foley.com](mailto:mlockerby@foley.com)  
E-mail: [lochampaign@foley.com](mailto:lochampaign@foley.com)

James B. Daniels (admitted *pro hac vice*)  
BUDD LARNER, P.C.  
150 John F. Kennedy Parkway  
Short Hills, New Jersey 07078  
Tel: (973) 379-4800  
Fax: (973) 379-7734  
E-mail: [jdaniels@buddlerner.com](mailto:jdaniels@buddlerner.com)

*Counsel for Defendants Middlemarch Partners, LLC  
and Middlemarch Securities, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify on the 8th day of April 2019, I electronically filed the foregoing **MIDDLEMARCH'S RULE 12(b)(6) MOTION TO DISMISS SECOND AMENDED CLASS ACTION COMPLAINT** with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

/s/ Michael J. Lockerby

Michael J. Lockerby (VSB No. 24003)

FOLEY & LARDNER LLP

Washington Harbour

3000 K Street, N.W., Suite 600

Washington, D.C. 20007-5143

(202) 945-6079

Fax: (202) 672-5399

[Mlockerby@foley.com](mailto:Mlockerby@foley.com)